

DETAILED ACTION

Response to Amendment

1. Applicant's amendments, filed 2/24/2012, have been fully considered and reviewed by the examiner. Claims 1, 3-13, 16-22, 27, 29-33, and 37-38 are pending in the instant application.

Response to Arguments

2. Applicant's arguments filed 2/24/2012 have been fully considered and are deemed persuasive in view of the amendments and examiner's amendment below.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joseph Chu on 2/29/2012.

The application has been amended as follows:

IN THE CLAIMS

Claim 1, step b, last line after "to react the liquid phase working solution within the wood or wood based material" please insert ", wherein the reaction of the liquid phase working solution is a substantially complete acetylation reaction"

Claim 1, step c, after "and/or byproducts" please insert " following the substantially complete acetylation reaction"

Claim 31, step c, last line after " to react the liquid phase working solution within the wood or wood based material" please insert ", wherein the reaction of the liquid phase working solution is a substantially complete acetylation reaction"

Claim 31, step d, after "into the wood or wood based material" please insert " and the substantially complete acetylation reaction within the wood or wood based material"

Claim 31, step e, after "and/or byproducts" please insert " following the substantially complete acetylation reaction"

Claim 32, step b, last line after " to react the liquid phase working solution within the wood or wood based material" please insert ", wherein the reaction of the liquid phase working solution is a substantially complete acetylation reaction"

Claim 32, step c, after "and/or byproducts" please insert " following the substantially complete acetylation reaction"

Please Cancel Claim 33

4. The following is an examiner's statement of reasons for allowance: These claims are allowed for the reasons set forth in the Remarks dated 2/24/2012. Specifically, the EP 810 discloses impregnation at a lower temperature and discloses that the higher temperatures will result in some reaction, but there is no suggestion that contacting will occur as a result in the substantially complete reaction. While EP 810 generally discloses the reaction, the temperature as claimed in combination with remaining claim limitations would not have been obvious to one of ordinary skill in the art, when viewed in combination with the Remarks dated 2/24/2012. Specifically, the higher temperatures of the acetylation as claimed allow for the contacting to result in substantial complete acetylation reaction without a further reaction step as required EP 810 (see Remarks dated 2/24/2012 and EP 810 at Figure). The claims as presently drafted requires the contacting with the liquid to cause substantially complete acetylation reaction (i.e. it's the contacting that causes complete acetylation, rather than any subsequent reaction step as taught by EP 810).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID TUROCY whose telephone number is (571)272-2940. The examiner can normally be reached on Monday-Friday, 7-5 a.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dah-Wei Yuan can be reached on (571) 272-1295. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David Turocy/
Primary Examiner, Art Unit 1717